

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RAMONA SHIVER,)
)
Plaintiff,)
)
v.) 1:06-cv-00008-DRB
)
[wo]
JO ANNE B. BARNHART,)
COMMISSIONER OF SOCIAL SECURITY,)
)
Defendant.)

ORDER ON MOTION

Submitted now is *Defendant's Motion to Remand* filed June 14, 2006, with a supporting memorandum (Docs. 14 and 15) and *Plaintiff's Response* filed June 19, 2006 (Doc. 17).

For good cause based upon the Appeal Council's determination that remand is appropriate for additional proceedings before an administrative law judge,¹ and upon Plaintiff's "consent[] to the case being remanded pursuant to sentence four of 42 U.S.C. 405(g)", it is hereby

ORDERED that the *Motion* (Doc. 14) is **GRANTED** and the decision of the Commissioner is **REVERSED AND REMANDED**, pursuant to *sentence four* of 42 U.S.C. §405(g) for further administrative proceedings.

¹Upon receipt of the remand order, "the Appeals Council will remand this case to an ALJ who will be instructed to further develop the record by requesting medical records from all of Plaintiff's treating sources. The ALJ will conduct a new hearing and, if Plaintiff is unrepresented, will fully develop the record by questioning Plaintiff about her impairments and resulting limitations. The ALJ will obtain medical expert testimony from a source who has not examined or treated Plaintiff. The ALJ will then reevaluate Plaintiff's credibility, secure any necessary supplemental vocational expert evidence, and issue a new decision based on the evidence as a whole." (*Def's Mem.* at 1-2)(Doc. 15).

The final judgment requested in the supporting memorandum will be entered.²

Done this 20th day of June, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE

²Entry of the final judgment reversing and remanding this case will begin the appeal period which determines the 30-day period during which time a timely application for attorney fees under the Equal Access to Justice Act may be filed. (*Def's Mem.* at 2).